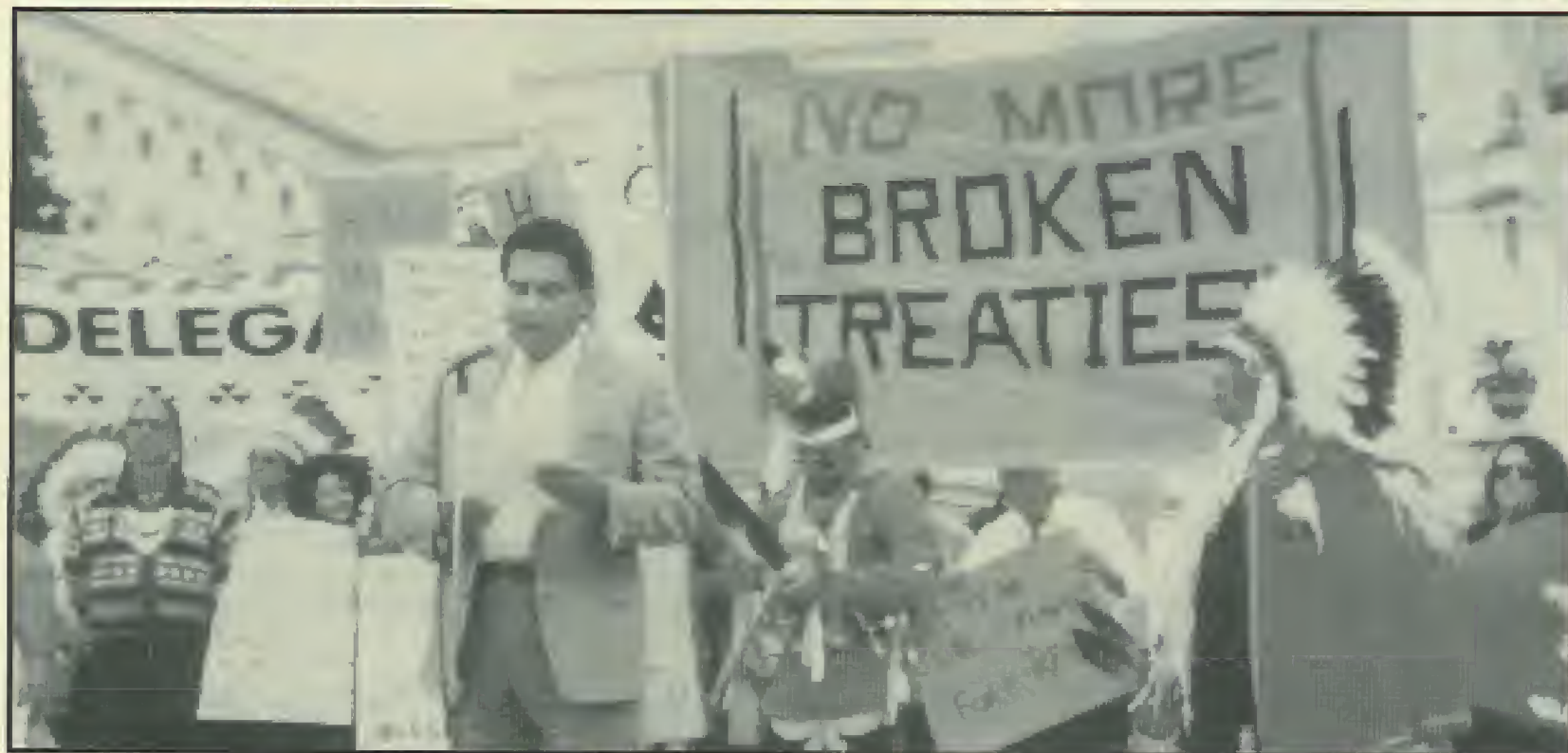


Sovereign Nations



October
1995

NEWSLETTER OF TRIBAL SELF-GOVERNANCE



Tribal leaders gather in Washington DC to protest BIA cuts.

Slade Gorton vs. The Tribes *Is Tribal Sovereignty in Jeopardy?*

Not since the 1950's and the days of BIA "termination" policies have the American Indian Tribes seen such a blatant attack upon their sovereignty. Senator Slade Gorton, R-Washington, in recent months has launched a multi-pronged attack which places Tribal sovereignty and the future of Self-Governance in grave jeopardy.

Gorton, who became Chairman of the Interior Appropriations Sub-committee in the 1994 elections, has concentrated his attack on BIA appropriations and on legislation which penalizes Self-Governance Tribes for exercising their sovereign rights. In addition, he continues to push his proposal for "means testing" Tribes to determine their eligibility for federal funds.

Cuts to BIA Appropriations or Termination by Appropriation?

Gorton's first major attack on Tribal sovereignty and Self-Governance began last Summer when he began proposing cuts to the BIA budget which totaled over

600 million dollars or close to 30% of the FY95 BIA budget. Not only were Tribal leaders horrified but many of the Senator's own republican colleagues could not believe the draconian cuts proposed by Gorton. "Such a huge cut is simply unfair, unwise and an abrogation of our responsibilities," said Sen. John McCain, R-Ariz. to the Bellingham Herald. Democrats like Sen. Byron Dorgan, D-N.D. told the Seattle P.I., "I'm concerned that probably the most vulnerable population in America will end up getting hit with the biggest budget cuts. That somehow doesn't seem fair to me."

Senator Gorton has seemed oblivious to these comments even as a bipartisan effort by Senator Domenici, R - NM, was launched to amend the Committee bill and restore over 200 million to the BIA budget. Senator Gorton however took the offensive and was able to convince enough Senators of two things. One, that the cuts were actually only 8% of the bud-

get and, two, that the payment of federal funds to Tribes is discretionary. He told the Bellingham, Herald, "Tribes certainly don't have a constitutional right to a fixed amount of money. Their appropriations are discretionary. To say that the treaties promised full support for all the institutions for Indians forever is simply not true."

Gorton was able to use smoke and mirrors to deceive his colleagues of the true impact of the cuts. He says the cuts to Indian programs are only 8%. He computed this percentage by adding all federal funds that may end up in Tribal accounts including Agriculture, Army Corps of Engineers Commerce, Education, HUD, Justice, Transportation, EPA and Health and Human Services. He then took the BIA cuts as a percentage of this total.

In this instant, Senator Gorton has pulled the figures he wants to paint a rosier picture. He was heard saying during the House/Senate conference on the bill, "don't believe what the Tribes are

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Bill Sinclair Named as Director of the DOI Office of Self-Governance



Bill Sinclair

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Self-Governance is a Tribally driven initiative intended to provide Tribal governments more control over their own destinies. The project fosters the shaping of a "new partnership" between Tribal governments and the government of the United States. We believe that excellence in related communication and education is fundamental to the achievement of these goals.

NOTE TO CONTRIBUTORS:
We encourage your input, but cannot guarantee acceptance due to time and space constraints inherent in the publication of this newsletter.

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Effective July 1995, Assistant Secretary of Interior Ada Deer named Bill Sinclair as the new Director of the Office of Self-Governance (OSG). Sinclair's appointment comes following former Director William Lavell's retirement nearly 2 years ago. During that time, Self-Governance Tribal leaders have repeatedly stated the need for an individual with management expertise, a working knowledge of the BIA and Interior Department, and known support for the principles of Self-Governance as priority qualifications for consideration in the appointment. The appointment of Sinclair by Ms. Deer is the result of support he received from numerous Self-Governance Tribes.

Sinclair joined the OSG in the spring of 1991 as the Compact Negotiations Manager and has served as the acting Director since May 1994. As of this year, the Office now serves 53 Tribes with a total staff of 9 (including both the Washington, D.C. Office and the Northwest Field Office located in Vancouver, WA). Sovereign Nations recently interviewed Sinclair to discuss his views on the impact of the FY1996 appropriations on the OSG, short and long-term plans for OSG, the role and structure of the OSG, and the expansion of Self-Governance to other non-BIA agencies.

Proposed FY1996 BIA Budget Reductions...

Sinclair stated that although funding had been transferred for budget purposes, the OSG will still report to Assistant Secretary Deer. "At the current level of funding, we will be able to maintain existing staff with a minimal travel budget," he remarked. However, because of the recent increase in the number of participating Self-Governance Tribes this year, Sinclair further stated that, "we are looking at the possibility of BIA staff assignments at no additional cost to OSG to handle the additional responsibilities." Proposed positions under consideration include the need for a warranted contracting officer and/or awarding official as well as a budget analyst.

Long-term Plan for the OSG...

Sinclair noted that long-term plans for the OSG will depend on what happens with the budget appropriations. He stated that future plans include establishing additional field offices. Based on the location of the current Tribes served by OSG and the anticipated growth, "our priorities include the need for either a Midwest or Southwest Field Office, as well as the establishment of an Alaska Field Office."

Expansion of the Self Governance initiative to other DOI agencies outside the BIA...

Sinclair believes that the current OSG structure is not adequately staffed to negotiate multiple BIA and non-BIA agreements and would be unable to handle the additional financial transfer responsibilities for non-BIA funding. "It is essential for us to coordinate staff time and expertise with the non-BIA representatives. Our primary responsibility and focus has been on BIA programs. However, I do see some OSG involvement in future non-BIA negotiations. This will depend on both the agencies and the Tribes willingness to have us participate." He also stated that the role and structure of the OSG is currently being reviewed by the Self-Governance Rulemaking Committee.

His philosophy on Self-Governance...

"Self-Governance remains a Tribally-driven initiative. I view the Self-Governance Tribes as our clients. We are here to assist and serve the best way we can." Sinclair said he sees the OSG as a advocate of Tribal positions and a catalyst in helping Tribes try new things. "We wear many hats", he stated. "The role of OSG is not always clear. As an arbitrator, sometimes we side with the Tribes, and sometimes with the Department. However, our role is to facilitate and resolve difficult issues as they arise." Sinclair also expressed his concerns regarding what is currently happening in Congress relative to Indian policy. He said it is critical for the Congress to understand what is being accomplished by the Tribes through funding provided under Self-Governance.

Slade Gorton vs. The Tribes

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telling you, it's only an 8% cut." He also pushed the notion that to save cuts in other Interior Department programs the BIA would have to absorb its share. The reality is that under Gorton's appropriations the BIA, which makes up 26% of the Interior Department budget would absorb 45% of the department's overall reductions.

Tribal Sovereignty vs. Private Property Rights

Senator Gorton's second leg of attack against Tribal self-governance involves his long and bitter fight with the Lummi Nation located near Bellingham, Wa. A group of wealthy homeowners and developers have challenged the right of the Lummi Nation to regulate resources on their reservation. While the problem is very complex it basically boils down to the landowners objecting to a well the Lummi Nation drilled near the landowners. The landowners claimed the Lummi Nation was purposely depleting their water supply while the Lummi Nation claimed they needed a small amount of water for their fish hatchery.

Gorton attached a rider to the appropriations bill which basically penalizes any self-governance Tribe 50% of their non-education federal self-governance funds if the Tribe takes unilateral action that threatens to adversely affect the existing rights of non-Indians who own property within the reservation.

Lummi Nation Chairman Henry Cagey told the Bellingham Herald, "this is a blatant abuse of legislative power for the benefit of a small elite group living on the Lummi Reservation.", while Lummi Program Manager G.I. James said Gorton is "spending a lot of energy trying not to solve the problem."

Means Testing or "Economic Racism"?

Senator Gorton's third leg of attack against Tribal sovereignty and self-governance is his proposal to "means test" Tribes to determine their level of federal funding. While he hasn't been successful at getting this through yet, he continues to push this proposal.

Chief Executive Officer of the Siletz Tribe, Nelson Wilt, has called Gorton's proposals "blatant economic racism", while Mark Mercier, Chairman of the Grand Ronde Tribe, points out that most Tribes face repayment of casino investment funds before funds are even available for Tribal programs, let alone, for federal taxes.

Senator Gorton's "means testing" proposal overlooks two critical factors. One, federal funding is a trust responsibility by the federal government to American Indians who, in exchange, seeded millions of acres of land during the Treaty Period of the late 1800's; and secondly, his proposal overlooks the special treatment he is placing on Tribes. For example, Nevada is not "means tested" before they receive federal funding nor are wealthy senior citizens "means tested" before receiving Medicare or Social Security benefits. While Gorton calls his proposals "budget-cutting responsibilities" to be shared by all Americans, many Tribal leaders feel that Gorton's attacks go back to the days when he was Washington State Attorney General and lost the Boldt decision. Back then he was quoted as saying that "because of a combination of race and the luck of an old treaty, Indians can catch a disproportionate number of fish." Gorton feels the notion of revenge is "judicious." He states he is merely trying to balance the budget like the American people have demanded. However, one is hard pressed to find any senators in the past or the present who have so zealously charged ahead with multiple proposals which attack the very foundation and existence of American Indian Tribes. He has viciously proposed bill after bill and proposal after proposal which either cuts funding to Tribes or takes away their sovereign powers.

Ada Deer says, "this amounts to cultural and economic genocide." Billy Frank, Northwest Indian Fish Commission, sums it all up by saying, "when the treaties were signed, they were peace treaties. If they terminate these treaties, we want the land back."

Here's What They're Saying...

"What kind of message is being sent when they punish the very self-governance system that they say they want." *Henry Cagey, Chairman, Lummi Nation*

"Because of a combination of race and the luck of an old treaty," he [Gorton] said, Indians can catch a disproportionate number of fish. He proposed in 1976 that Congress condemn the Indians' treaty rights to fish off the reservations in the same manner it condemns land to build a new freeway. *Solveig Torvik, Sunday PWTimes 7-2-95*

"The Congress has broken trust with the first Americans. These latest cuts are devastating and will have an immediate effect on the daily lives of Native Americans." *Ada Deer Interior Department's Assistant Secretary for Indian Affairs, 7-28-95*

"He's abusing his power to get even with an old enemy - Washington State Tribes." *Leland McGee, NCAI*

"It seems to me that, as white people, some of us tend to spend too much time trying to destroy the Indians even further than our forefathers." *Linda Montgomery, Whatcom County Bellingham Herald editorials 8-24-95*

"At the end of the Indian Wars, just prior to the treaty period, there remained in the 48 States approximately 250,000. [American Indians from original estimates of 50 million] We nearly succeeded in wiping out the Indians. If we do not amend this measure, we may succeed." *Senator Inouye - Comments on the Senate floor regarding Gorton's proposed cuts*

"The ability of these tribes to govern themselves is not affected by the amount of money they are given by us." *Senator Gorton's response to Senator Domenici's concern that the BIA cuts would jeopardize the Tribe's governmental functions.*

"He went to the creative school of math. He's trying to make something look like it's not as bad as it is." *G.I. James, Office Of Lummi Policy, Lummi Nation, response to Gorton's claim that cuts only amount to 8%*



Sovereign Nations wishes to thank Senator Gorton and Vine Deloria, Jr. for agreeing to address the following questions. Their answers are verbatim as submitted to Sovereign Nations.

1. Senator Gorton, could you please explain your position on Tribal sovereignty; what rights do Tribal governments have and what rights, if any, do they not have? In your opinion, how important are the Treaties which most Tribes signed with the U.S. government?

Gorton: I support Tribal Sovereignty. Tribal governments have the rights accorded them by treaties with the federal government, as well as the rights enjoyed by every American citizen.

2. Senator Gorton, everyone understands the need to balance the Federal budget; however, many Tribal leaders feel your committee has placed an unfair burden on American Indian Tribes by cutting the BIA budget enormously. Many feel this would severely impact Tribal Sovereignty and self-governance, and, in fact, begins a new "termination" process. Why has such a large burden been placed on Tribes and what other governmental entities are receiving the same treatment? In addition, you have stated that the cuts are only 8%. Could you please explain this figure given that many Tribes have calculated 25%+ cuts in BIA Tribal Priority Allocation programs?

Gorton: American Indian tribes are receiving no more of a cut than any other item in the Interior budget; as a matter of

"The ability of Tribes to govern themselves is not, and should not be, affected by how much federal funds they receive."

fact, they are being hit *less* by cuts than other items. Other spending categories within this budget took between 14% and 22% reduction. After the House—Senate conference, Indian programs will be taking a 6% reduction. Let me also say that the argument linking tribal sovereignty and self-governance is off the mark. The ability of tribes to govern themselves is not, and should not be, affected by how much federal funds they receive. Finally, this year everyone is having to shoulder their fair share of burden for balancing the budget. No one is being singled out, but no one is being exempted either. We finally have the opportunity to put our country on a sound footing; we promised the American people we would do it, and we cannot shy away from our responsibility.

3. Senator Gorton a rider attached to your committee's appropriation bill penalizes Tribes 50% of their self-governance funds if the Tribe takes unilateral action that threatens to adversely affect the existing rights of non-Indians who own property within the reservation. Shouldn't such matters be settled through negotiations or court hearings before a Tribe is automatically fined 50% of their self-governance funds? What other governmental entities have their Federal funds taken away before a legal ruling or settlement is reached?

Gorton: Both the House and Senate appropriations subcommittees, with bipartisan support, approved measures that ensure property owners' rights on reservations. As it is now, non-Indian property owners of fee lands on reservations have little to no legal recourse against a tribe for the infringement of their property rights. Furthermore, non-Indians have no voice nor representation in tribal governments but are often subjected to tribal jurisdiction.

4. Senator Gorton, in the past, you have proposed "means testing" for Tribes to determine the amount of Federal funding they should receive. Yet, wealthy seniors are not "means tested" for Medicare or social security nor are wealthier cities and states penalized or "means tested" prior to receiving Federal funds. The State of Nevada is not "means tested" to determine whether they should receive Federal funds because they have income from casinos. Why should Tribes be singled out for "means testing"?

Gorton: I believe it is only fair that outside revenues be taken into account when determining funding levels. Some tribes, for example, have little or no other source of revenue; thus they should receive more funds than tribes who make money from mines, gaming, etc. Some tribes have higher income levels because they have successful revenue-generating endeavors; others do not. The federal government has less money to spend, so we must make sure financial assistance goes to those who need it most. In this case, we want to take care of the neediest tribes.

5. Senator Gorton, many Tribal leaders feel your recent appropriations and legislative proposals are anti-Indian, some say racist, and go back to your days as Attorney General of the State of Washington when you lost court decisions, such as the Boldt decision, to the Tribes. Do you feel Tribes gained too much in some of these cases and are you trying to "get back" some of those losses?

Gorton: The suggestion that I have been harboring a grudge toward Indians for the past couple of decades is beyond ludicrous. As much as some people would like to think it does, this issue has nothing to do with revenge, it has to do with balancing the budget. The Senate's overwhelming vote in favor of the Interior bill indicates our determination to put the nation's books in order. Congress has been asked by the American people to put our country on a sound footing, and that's just what we're doing. It isn't easy, it's often painful, but it must be done.

Senator Slade Gorton is a three-term Senator from the state of Washington. Vine Deloria, Jr. a long time American Indian rights advocate, is a professor at the University of Colorado and has written several books, including "Custer Died For Your Sins".



"Congress has always been notoriously delinquent in fulfilling its financial obligations to the Indian nations."

1. *Mr. Deloria, Senator Gorton has said that he supports Tribal sovereignty and that Tribal governments have the "rights accorded them by treaties with the federal government." However, he has also said that the only reason Washington Tribes received a "disproportionate" share of salmon in the Boldt decision was because of some "old pieces of paper." How important are these "old pieces of paper" and what rights do they give Tribes and what responsibilities do they place on the federal government?*

Deloria: Treaties are "old pieces of paper"—just like the Constitution of the United States. Treaties are authorized by the Constitution in order to allow the United States to negotiate with other nations—including Indian nations. Rights and obligations given and assumed under treaties become the supreme law of the land, transcending even the enumerated rights in the Constitution.

2. *Mr. Deloria, the Senate recently approved cuts which would decrease the Tribal Priority Allocations of the BIA budget by nearly 30%. These proposals went to the House conference where the final cuts appear to be in the 20% range. Senator Gorton has said the American people want Congress to balance the federal budget and that treaties and sovereignty do not guarantee federal appropriations. Should American Indian Tribes be responsible for balancing the budget?*

Deloria: Congress has always been notoriously delinquent in fulfilling its financial obligations to the Indian nations. Part of this failure has involved a deliberate policy of reducing the Indian nations to a state of poverty in order to impose the will of the federal government on them. Indian nations should not suffer these kinds of cuts in order to enable the Republicans to give wealthy people a tax cut. A special study of the Bureau of Indian Affairs by a skilled management team can make recommendations how to reduce the waste and overhead in the BIA and reduce its extravagance thereby freeing funds to be used by Indian nations in programs. NO CURRENT PROGRAM FUNDS need to be reduced; instead the BIA should be streamlined radically with many powers and obligations now being performed by the BIA returned to the tribes so they can enhance their powers of government.

3. *Mr. Deloria, one recent issue to embroil many Tribes is the sovereignty or rights that Tribes have over non-Indians who live on or own property on a Tribal reservation. Senator Gorton says these people have no power and he introduced and the Senate passed legislation which in his words "ensures property owners' rights on reservations." His bill will penalize a Tribe by cutting their self-governance funding 50% if they arbitrarily adopt policies which negatively impact private property owners. Isn't this ironic given the history of what the federal government has done to land on Tribal reservations?*

Deloria: Since federal criminal law exists on all reservations, and since civil law is generally a function of the tribal government, Senator Gorton's bill may be unconstitutional. At a minimum it will produce claims against the United States in the future if it inhibits the functioning of tribal government unfairly. Tribal governments should immediately begin to record the damages they are suffering and will suffer as a result of this bill so that they can file claims against the United States in the future. The whole purpose of exercising the TRUST responsibility is to ensure that Indian tribes maximize the income from their lands; any move to decrease this ability can be measured in damages and tribes will eventually recover these damages. It is entirely useless to add this kind of provision to an already confusing jurisdictions problem.

4. *Mr. Deloria, another recommendation from Senator Gorton and his colleagues is to "means test" Tribes before they receive federal funds. In other words, if a Tribe has a successful economic venture, like a casino, they would receive further cuts in their federal funds. Tribal leaders have argued that wealthy seniors are not "means tested" before receiving social security or Medicare and the State of Nevada isn't "means tested" because they have casinos. Why should Tribes be singled out for "means testing"?*

Deloria: Your question illustrated the complexity of the problem. The so-called "means" test is meaningless because those tribes that are doing well with gambling are tribes near large cities who have not received even a small percentage of federal funds in the past. They were virtually abandoned by the United States, sometimes a century ago, and have not ever figured in the federal Indian budget.

Some way must be found to develop sources of income on the reservations that will allow people to become self-supporting. Thus development of aquacultures, land purchases, building



family and small businesses should be encouraged. Since so much land was illegally forced out of Indian ownership in the past it has always seemed to me that much of the gambling income should be spent on land purchases so that the tribes can have a solid block of land ownership on the reservations which they can more easily govern. Development of the people as wage-earners and income-producers will prove beneficial to the tax problem in the long run; short run economies are simply destructive of the problem and aggravate the conditions that require federal assistance in the first place.

5. *Mr. Deloria, many Tribal leaders feel the recent attacks around funding cuts, "means testing" and sovereignty is another form of termination. These events are astounding when you consider the national mood around the movie "Dances with Wolves" several years ago when everyone hung their heads in shame over what Europeans had done to the Native Americans. Now we are allowing Congress to virtually terminate Tribes. Will this cycle ever be broken and will American Indians be allowed to live as sovereign Nations and peoples?*

Deloria: Felix Cohen said that Indians are the "miner's canary" of our society. The Republican attack is basically aimed at the poor, children, the elderly, and the middle class. Every day we see college-educated engineerings and professional people laid off from their jobs or forced to take jobs at half of their previous income as corporations "downsize" their part of the economy. There is no "mainstream" in American economics and millions of non-Indians are seeing that they, with all their expertise and the advantage of a white skin, cannot make it.

The Port Gamble S'Klallam Tribe



The Port Gamble S'Klallam Tribe is not new to Self-Governance. They have been operating under a Compact for their Bureau of Indian Affairs programs since 1992, and were one of the first Tribes to negotiate with the Indian Health Service in 1994. The S'Klallam leaders decision to embark on Self-Governance was the result of intensive planning efforts and their goal to ensure that the changes implemented under Self-Governance would be inclusive and responsive to the tribal community. In discussions with other initial Self-Governance tribes in Western Washington, the Council determined that "it was a better direction for the Tribe, and the true spirit of self-determination was a driving force."

The Tribe is a federally-recognized

design with their BIA programs, the Tribe took a very conservative approach in their budget process. Dallas DeGuire, Tribal Administrative Director, stated that "we did not originally initiate a lot of change; rather, our focus was on re-prioritization of existing programs and special one-time projects." When the Tribe assumed responsibility for their health programs under its compact with the IHS, Tribal health staff, administration, and the Tribal Council worked cooperatively to research options, develop strategies and implement change.

Positive aspects are numerous and specific highlights of the IHS programs include:

CHS - When it chose to assume responsibility for the Contract Health Service (CHS) program under Self-Governance, the Tribal Council decided to use its Primary Health Clinic as the initial resource and referral center. (i.e., individuals and families are asked to use the Clinic and then be referred to other medical providers, if needed). The Tribe decided to manage the administration of claims and negotiate lower rates with providers. Tribal staff actively monitor state and federal health reform to proactively ensure tribal health programs are prepared to

respond quickly to changes. For example, on August 1, the Tribal Clinic became a Federally Qualified Health Center, to maximize Medicaid revenue.

Community Health - The Community Health Department, formed at the start of Self-Governance, is supervised by a public health nurse. The programs and services it provides include but are not limited to: community health nursing, health education, WIC, First Steps (comprehensive health services to low income pregnant women), energy assistance, food vouchers, summer food for children, and a foster grandparent program. Their maternal



Chairman Gerald "Jake" Jones

child health program includes parent support groups and classes, childbirth education, testing of children with possible FAS/FAE, coordination of an infant and toddler car seat and seat belt safety program, and collaboration with the tribal Clinic on an immunization program.

The Community Health Department has actively promoted the sharing of health-related education and information. The department established and implements an annual Health Fair and FAS Conference. In these events, health care professionals share important prevention and treatment information with the Tribal community. The Community Health Department has also organized "swap meets" with other CHR programs, to share ideas about services, brainstorm solutions to problems and provide peer support.

Counseling and Prevention Services — Mental Health, Chemical Dependency and Prevention Programs were reorganized under the umbrella of Counseling and Prevention Services. A new position, Counseling and Prevention Manager, was created. This position oversees the management and implementation of programs, and plans for long-range community needs. The Chemical Dependency Program expanded to provide both daytime and evening hours and has added intensive outpatient services and aftercare. This department has sought guidance from the reservation community, its target population, on how to better serve their needs by conducting community focus groups. One of several ideas con-



Linda Purser administers a blood pressure check on elder Ruth Martinez.

Tribal government under the Indian Reorganization Act of 1934 and includes 837 enrolled Tribal members. Located less than one hour's drive from Seattle on the inland shores of Puget Sound, the reservation consists of 1340 acres of land which rises from the beach to a gently rolling terrain. The Port Gamble S'Klallam Tribe is one of three bands of S'Klallam people who lived between the Pacific Ocean and the inland waters of Puget Sound. (The other two S'Klallam bands include the Lower Elwha band and the Jamestown band; also self-governing tribes today.)

In the initial stages of program re-

tributed by Tribal members may include "natural helpers" in delivering treatment and prevention services in the future.

EMS Program Expansion — As a result of Self-Governance, the Tribe is currently developing a plan to expand its Emergency Services Program. The Tribe will begin transporting patients to medical facilities in cases that do not require intravenous or other medication. (A nearby fire district will continue to respond to Reservation emergency medical and trauma situations, and provide transports as needed, especially those deemed as advanced life support.) A fully-equipped used ambulance was purchased earlier this summer.

Facilities Upgrades — The Tribe's Health Clinic building is funded from partial monies saved through more efficient use of tribal resources. The facility is now referred to as the "Health Center", and houses the S'Klallam Clinic and various health and human service programs. An EKG (electrocardiogram) machine, Kode cart and other medical equipment have been purchased for the Clinic. The Tribe's dental facilities are currently housed in a timeworn single-wide trailer in disrepair. Dental facility funding added this year by IHS Headquarters will be used to upgrade dental services to the Port Gamble S'Klallam, Suquamish and other Indians residing in Kitsap County.

In sum, the Port Gamble S'Klallam Tribal Council, in collaboration with Tribal staff, have invested great efforts and addressed the challenges presented by the transition and implementation of Self-Governance. Tribal Chairman, Gerald "Jake" Jones stated, "I feel that these accomplishment would not have occurred without Self-Governance. Our people are beginning to experience a better life, which, I trust, will extend many hundreds of years into the future."

Today, the Port Gamble S'Klallam people conduct their affairs and live in the modern world, yet they retain and manifest their culture in many ways. Their lives are inter-woven with strong extended families and social ties and a consensus decision-making style. The "Strong People" continue to live with their culture in their hearts and with an eye always toward the future.



Some of those responsible for the successful self-governance of IHS program include (left to right) Laurie Matson, Health and Human Services Director, Ron Charles, IHS Self-Governance Coordinator, Rose Purser, Northwest Indian Health Board Delegate.

Dwayne R. Hughes

11-19-48 to 9-22-95



Self-Governance lost a friend and strong supporter when Dwayne Hughes passed away recently at his home in Lamar, Oklahoma.

Dwayne was born November 19, 1948 to Raymond and Billie Hughes. He was raised in the Carson, Oklahoma area and proclaimed himself as a hillbilly from Hughes County. He was an educated man and an eloquent speaker. He received a bachelor's and master's degree in education and taught in various school systems before advancing to administration. He served as both public school principal and superintendent.

He left education and served three years as Federal Programs Coordinator for the Choctaw Nation. He then accepted a position as Programs Coordinator for the Citizen Band Patawatomi. After five years of service, he began his own grants writing business, Denray Management, which he operated for three years. He then accepted the position of Tribal Operations Manager for the Absentee Shawnee for eight years and has served as Executive Director of the Chickasaw Nation for the last two years.

Through his years of service, he was greatly respected by his fellow employees for his intelligence, fairness and jovial attitude. In fact, he felt one of the best characteristics was his ability to laugh. It was that ability that made it such a pleasure and honor to work for him.

Dwayne was a loving husband and parent. He and his wife, Lisa Martinez, were married just three months ago. Displayed in his office was a picture that read, "Anyone can be a father, but it takes a special person to be a Daddy." Dwayne was truly a special person.

He is survived by his wife, Lisa; a son, Buddy Story, California; two daughters, Heather Winton, Arkansas, and Billie Lee Hughes, Oklahoma; a brother, David Hughes; and a grandson.

Dwayne was laid to rest September 25, 1995 on a hill under a cedar tree on his property overlooking the valleys and hills of Hughes County, Oklahoma. Dwayne will be sorely missed as he was a strong supporter of self-governance and volunteered many hours to serve on task forces and committees. He will be remembered for his upbeat attitude and country humor. No words can do him justice, only the memories that live in our hearts and minds.

Self-Governance Negotiated Rulemaking Committee Update



Over the past five months, the Joint Tribal/Federal Self-Governance Rulemaking Committee has conducted a series of meetings to develop proposed and final regulations to govern the Self-Governance initiative. The Committee is composed of 11 Tribal leaders (including 7 Self-Governance Tribes and 4 non-participating Tribes) and 2 Federal representatives. W. Ron Allen, Tribal Chairman for the Jamestown S'Klallam Tribe, and Bernida Churchill, District III Representative, from the Mille Lacs Band of Ojibwe serve as the Tribal Co-Chairs. Glynn Key, Special Assistant to Secretary, DOI, and Mike Anderson, Deputy Assistant Secretary-Indian Affairs, DOI, serve as the Federal Co-Chairs. In addition to the Tribal and Federal Committee members, representatives from the Federal Mediation and Conciliation Service have served as facilitators at each Committee meeting.

To date, the full Committee has met four

times and has organized the identified issues and tasks into the following sub-workgroups:

Workgroup #1: Selection of Additional Self-Governance Tribes; and the criteria and procedures for awarding planning/negotiations grants.

Workgroup #2: Scope Issues including determining what BIA and non-BIA programs, services, functions and activities are negotiable; process and guidelines for determining residuals and Tribal shares; and definition of base funding.

Workgroup #3: Negotiation Process for BIA and non-BIA programs; role and structure of the Office of Self-Governance; and development of an appeals process.

Workgroup#4: Special Provisions including construction issues; property donation/acquisition; Contract Dispute Act; and Federal Tort Claims Act.

Workgroup #5: Implementation

issues including monitoring and conducting annual trust evaluations; reporting, evaluation and audit performance standards.

The Committee has adopted a consensus approach to facilitate and assist in the decision making process. Additionally, the regulations are being drafted into a "plain English" question and answer format. The purpose of the "plain English" format is to make the regulations easier to read and understand.

The Jamestown S' Klallam Tribe hosted a 3-day meeting in July in Sequim, WA and the August meeting was hosted by the Mille Lacs Band of Ojibwe in Hinckley, MN. Additionally, an upcoming meeting has been scheduled in Polson, MT to be hosted by the Confederated Tribes of Salish and Kootenai.

At this time, the Committee is scheduled to complete the proposed draft regulations by mid-January. Meetings have been scheduled for October and November with a final meeting in early January 1996.

Tribal Self-Governance Sovereign Nations

Lummi Indian Business Council
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